IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 302 of 1998

For Approval and Signature: sd/-

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SONI VRJULAL MOHANLAL

Versus

JETHABHAI VAKTABHAI VANKAR

Appearance:

1. Appeal from Order No. 302 of 1998

MR BD KARIA for Petitioner No. 1

MR BN RAVAL for Respondent No. 1

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 25/10/2001

ORAL JUDGEMENT

1. This Appeal is arising out of the impugned order dated 6.6.1998 passed by the learned Civil Judge (SD), Dhragandhra, below Ex.5 in Special Civil Suit No.34 of

1996 whereby the learned Judge dismissed the Application Ex.5 for interim relief. Along with this Appeal Civil Application No.6241 of 1998 was filed for interim relief and the learned Single Judge of this Court granted interim relief in terms of Para : 4(b) on 3.7.1998. The said Civil Application was finally disposed of on 27.8.1998 by continuing the interim relief till the final disposal of the Appeal. Accordingly, the interim relief is operating in favour of the appellant till today.

2. Learned Counsel Shri Karia for the appellant made only one request that the learned trial Judge may be directed to decide the main Special Civil Suit No.34 of 1996 at the earlier and till then the interim relief granted earlier on 3.7.1998 in terms of Para : 4(b) in Civil Application No.6241 of 1998, which was confirmed on 27.8.1998, be continued. Learned Counsel Shri Raval was not present when the matter was called out.

3. Considering the facts and circumstances of the case I am of the opinion that the request made by the learened Counsel for the Appellant is genuine, therefore, granted. Accordingly, without expressing any opinion about the legality and validity of the impugned order passed by the learned trial Judge, this Appeal is disposed of with a direction to the learned trial Judge to decide Special Civil Suit No.34 of 1996 as early as possible and not later than 31st December 2002. Till then the interim relief granted earlier in Civil Application No.6241 of 1998, in favour of the Appellant, shall continue. The parties shall fully cooperate with the final disposal of the Suit.

sd/-

Date : October 25, 2001 (B.J.Shethna, J.)

sas